

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

MINUTES

The Board for Professional and Occupational Regulation met on Monday, November 19, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following members were present for all or part of the meeting:

Laurie Buchwald
Elizabeth G. Cake
Julie Clifford
James Demmel, Vice Chair
Walter Fore
Maxime A. Frias, Chair
Ronald Lushbaugh
William Alfred Tucker

Board member Nancy Barbour was absent from the meeting.

The following staff were present for all or part of the meeting:

Jay W. DeBoer, Director
Karen O'Neal, Deputy Director for Licensing and Regulation
Steven L. Arthur, Deputy Director for Administration and Finance
Mark N. Courtney, Executive Director
Carol Mitchell, Alternative Dispute Resolution Director
Liz Hayes, Fair Housing Director
Mary Broz-Vaughan, Communication, Legislation, and Consumer Education Director
Steven P. Jack, Assistant Attorney General
Judy Spiller, Executive Secretary

Chair Frias welcomed all and called the meeting to order at 10:04 a.m., noting that a quorum was present, and introducing himself as Chair and James Demmel as Vice-Chair.

Call to Order

Mr. Tucker moved to approve the agenda as presented. Mr. Fore seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Agenda
Approval

Mr. Fore moved to approve the September 17, 2007, minutes as presented. Mr. Tucker seconded the motion, which was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker.

Approval of
Minutes

Mr. Courtney announced that Stan Hunt and Robert Grubbs, P.E., representing the Coalition for Regulation of Plumbing Design, were present to speak to the Board and distributed handouts from them.

Public
Comment

Both gentlemen requested that the Board consider legislation that would come under the engineering program for certified plumbing design, as there is no reference to plumbing in engineering documents. They felt that, with the expected ten percent loss of plumbing designers in the workforce in the next ten to twenty years, this certification would help attract talented workers. At present, there are no plumbing questions on the Mechanical Engineering or Fire Protection Engineering exams. Currently, ASPE (American Society of Plumbing Engineers) has a standardized test that might be used.

Mr. Courtney explained that staff would research the information, document, and report their findings at the March 3, 2008, meeting.

Director DeBoer welcomed everyone to their second meeting in the Perimeter Center location. November 19 is the official grand opening of the Perimeter Center. The Director reported that life in the new setting has progressed with a few difficulties such as scheduling of meetings, access, a security lockdown, and signage problems which create confusion to the public.

Jay W. DeBoer,
Director's
Report:

Staff continues to fill the slots created by the General Assembly last year with a stellar group of applicants and employees. The Department is operating in a tight-budget climate and is complying with travel restrictions. The Department is making no requests in the new budget.

Chief Deputy Ashe continues on active duty with the JAG office of the Marines in Norfolk. His duty has been extended until late November. Chief Deputy Ashe and his wife, Bethanie, became the parents of Henry Isaac, born on October 30, 2007, and weighing 8 lb. 3 oz.

Chief Deputy
David B. Ashe

VERSA is the vendor who will provide the Department with new licensing and enforcement computer software. The APELSCIDLA section will become one of the first to use this new program, effective June 2008. VERSA has been on-site conducting JAD (Joint Application Design) meetings with each board section.

EAGLES

Director DeBoer thanked the Board for its work and wished them a wonderful holiday season with their families.

Mr. Fore and Mr. Tucker suggested the Board send a congratulatory message to Chief Deputy Ashe on the birth of his son and to thank him for his service to our country.

Ms. Mitchell presented an update on the Compliance and Investigations Division (CID). Thirteen of 21 CID positions have been filled, including the hiring of a number of P-14 (wage employees) to fill permanent positions.

Agency Reports:
Director of
Alternative
Dispute
Resolution
Carol Mitchell

Ms. Mitchell introduced Liz Hayes, Fair Housing Director, who received a national award from HUD for reducing the number of aged cases to 5% or less.

Department staff continues to improve the process of investigation and adjudication and is also working to reduce aged cases.

Secretary of Administration Viola Baskerville and her Deputy Secretary, Richard B. Zorn, were welcomed to the meeting. Secretary Baskerville expressed her delight at being able to attend the grand opening of the Perimeter Center. She explained that the move to the Perimeter Center was an example of consolidation of state agencies at one location and savings for the state.

**Secretary of
Administration
Viola
Baskerville and
Deputy
Secretary
Richard B. Zorn**

Mr. Arthur presented a report on Fiscal Year 2007, Performance and Activity Analysis, highlighting the areas of staffing, licensing and regulation, Compliance and Investigations, Finance, and a general summary of the year.

**Deputy Director
Steven L.
Arthur**

The Department is meeting management objectives such as SWaM (small business, women and minority businesses), FOIA requests, and EVa (on-line procurement). The rate of increase of licensees is slowing, revenues are peaking (normal cycle), relocation and infrastructure software costs will be 4M in FY 2008, expenses are due to increased CID staff, average days to close cases is lower, Consent Orders and mediations are increasing, the Recovery Fund. The raising and lowering of fees is a science, not political.

Mr. Courtney presented a very interesting program on the Board for Branch Pilots, the oldest licensed profession in Virginia. Mr. Tucker is a very active liaison for the BPOR Board to the Board for Branch Pilots, which consists of nine board members, four of whom are licensees. The members are appointed by the Circuit Courts of Norfolk, Hampton, and Portsmouth. The Board for Branch Pilots is treated like a utility by the State Corporation Commission in regard to the charging of rates. The full apprenticeship program requires five years.

**Board
Academies:
Branch Pilots,
Executive
Director Mark
Courtney**

Board members were reminded to return their Financial Disclosure Statements by December 1, 2007.

Other Business:

Ms. Buchwald inquired about Governor Kaine's directive to conserve resources and wondered what the Department was doing to assist. The Department uses CD's for agendas given to board members for the larger boards, saving 3,800 reams of paper annually. Electricity is timed in the Perimeter Center, nearly all of the lighting is fluorescent, and the Department recycles paper and aluminum cans used by its employees.

Director DeBoer made note that the next board meeting is scheduled for March 3, 2008, which will be two days after the retirement of Deputy Director Karen O'Neal, who has been a vital part in the workings of all boards at the Department and who will be greatly missed.

Adjournment

Mr. Tucker moved to adjourn. Mr. Fore seconded the motion. The motion was unanimously approved by members: Buchwald, Cake, Clifford, Demmel, Fore, Frias, Lushbaugh, and Tucker. The meeting adjourned at 12:16 p.m.

Maxime Frias, Chair

Jay W. DeBoer, Director